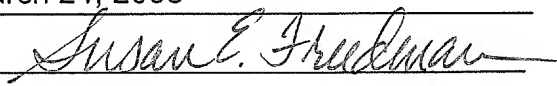



| | | |
|--|---|--|
| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 9562-8 |
| <p>I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office</p> <p>on <u>March 24, 2008</u></p> <p>Signature <u></u></p> <p>Typed or printed name <u>Susan E. Freedman</u></p> | Application Number 10/561,688 | Filed 05/09/2006 |
| | First Named Inventor Johannes De Jonge | |
| | Art Unit 2832 | Examiner Lisa Nhung Klaus |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. 42,011 Registration number _____</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> _____ Signature D. Scott Moore _____ Typed or printed name 919-854-1400 _____ Telephone number March 24, 2008 _____ Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | |
| <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p> | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2832**

ATTORNEY DOCKET NO. 9562-8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Johannes De Jonge
Application No.: 10/561,688
Filed: May 9, 2006
For: SWITCH DOME DEVICE

Confirmation No.: 9761
Group Art Unit: 2832
Examiner: Lisa Nhung Klaus

March 24, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPLICANT'S PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program, which have been extended indefinitely.

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Applicant hereby requests a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed December 28, 2007 (hereinafter "Final Action"). The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

Applicant respectfully submits that the rejections of the currently pending claims under Section 103 are clearly erroneous for at least the reason that neither of the cited references, alone or in combination, discloses or suggests configuring a plurality of switch domes such that a

response is output only if two adjacent ones of the plurality of switch domes are actuated at the same time as discussed herein and in Applicant's previously filed Amendment dated October 31, 2007. Therefore, Applicant respectfully requests review of the present application by an appeal conference prior to the filing of an appeal brief. In the interest of brevity and without waiving the right to argue additional grounds should this Petition be denied, Applicant will only discuss the recitations of independent Claims 1, 4, and 7.

Independent Claims 1, 4, and 7 are Patentable

Independent Claims 1, 4, and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over prior art cited in the Specification (APA) in view of U. S. Patent No. 6,781,076 to Takiguchi et al. (hereinafter "Takiguchi"). (Final Action, page 2). Independent Claim 1 is directed to a switch dome device for operating functions in electronic equipment. The device comprises a plurality of switch domes and an AND circuit and recites, in part:

...
wherein outputs of adjacent switch domes are connected to inputs of the AND circuit and the switch dome device is responsive to only two adjacent ones of the plurality of switch domes actuated at a time for operating a function.
(Emphasis added).

Independent Claims 4 and 7 include similar recitations. As explained on page 8, lines 20 and 21 of the Specification, no response is provided if one of the plurality of switch domes is actuated. A response is provided only if two adjacent ones of the plurality of switch domes are actuated at the same time according to the independent claims.

The Final Action acknowledges that the APA does not disclose the recited AND circuit, but alleges that Takiguchi provides the missing teachings at col. 12, lines 35 – 51. (Final Action, pages 2 - 3). In sharp contrast to the recitations of independent Claims 1, 4, and 7, however, the passage cited from Takiguchi explains that an AND circuit may be used in a device with four switch elements such that eight functions can be selected corresponding to the actuation of the four switch elements individually and the actuation of adjacent pairs of the switch elements.

(Takiguchi, col. 12, lines 38 – 43). Thus, Takiguchi teaches that a response is provided even if a single switch element is actuated, not only if two adjacent switch elements are actuated.

In response to this analysis, the Final Action states: "...Takiguchi clearly describes the functions only being performed when two domes adjacent with one another are actuated simultaneously (see col. 12, lines 27 - 51)." (Final Action, page 4).

Respectfully, this is not true. Takiguchi, col. 12, lines 27 - 42 state:

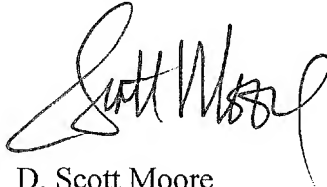
Alternatively, in the four-directional multi-way switch of the above embodiment, it is also possible to arrange the circuit construction such that when adjacent two switch elements (for example, the switch elements 41 and 42) are turned on or off together by depressing one corner of the top wall 12 of the operation knob 1 to swing it downwardly, **another function is selected, which is different from the functions selected when each of the adjacent two switch elements alone is turned on or off**. For example, it can be arranged that an AND circuit for adjacent two switch elements is provided, and when a signal is outputted from the AND circuit, another function is selected. In such case, there is obtained an advantage that the four-directional multi-way switch of the above embodiment can be extended up to the eight-directional multi-way switch without adding any projections and corresponding switch elements. (Emphasis added).

As highlighted above, Takiguchi teaches that respective functions are provided for turning on/off each switch element individually and a different function from one of those provided from individual actuation of the switch elements is provided when adjacent switch elements are activated together. Applicant submits, therefore, that the rejection of the independent claims under Section 103 is clearly erroneous for at least the reason that the combination of cited references does not disclose or suggest configuring a plurality of switch domes such that a response is output **only** if two adjacent ones of the plurality of switch domes are actuated at the same time.

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Application No.: 10/561,688
Filed: May 9, 2006
Page 4 of 4

For at least the foregoing reasons, Applicant respectfully requests that the present application be reviewed and that the rejection of independent Claims 1, 4, and 7 be reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,

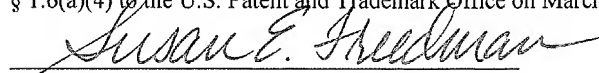


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on March 24, 2008.



Susan E. Freedman

Date of Signature: March 24, 2008